REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1 and 15 have been amended. Thus, claims 1-2, 5-10, 12-16 and 18-20 are pending for further examination.

Interview Summary

A telephone interview was conducted between the Examiner and Bernard Tomsa (#60,121) for the undersigned and on behalf of the Applicant on April 16, 2008. All claims and all outstanding objections and rejections were discussed in view of the prior art of record.

Agreement was reached that the addition of the chemical names to the specification was not new matter, as the CAS Numbers from the data sheets were sufficient to provide one of ordinary skill in the art with the ability to find and recognize those names online. Further information regarding CAS Numbers is provided below, as per the Examiner's request.

With respect to the Section 103 rejection of all claims based on Vitalis et al. (U.S. Pat. 3,756,959) in view of Fullinwider et al. (U.S. Pat. 4,014,801), agreement was not reached. However, in response to the Examiner's preference for directing the claims to "100% recovery" rather than stating that the removed solids are free of oil, Applicant has now amended the independent claims (i.e., claims 1 and 15) to recite that "the saleable

product phase is one hundred percent of the oil molecules." It is hoped that the Examiner will look favorably on this amendment.

During the interview, it was also observed that, unlike Applicant's claimed techniques, the prior art appears to require storage in traditional waste areas, such as lagoons, dumps, and/or underground mineral deposits, and/or disposal via burning.

Finally, the breadth of the term "oxidizing/reducing" was discussed. Agreement was not reached regarding a way to suitably amend this term. Applicant now notes that an "oxidizing agent" is an agent that accepts electrons and so becomes reduced in the process e.g. perchlorates, sulfoxide, peroxide compounds, etc., and that a "reducing agent" is an agent that gives up electrons and so becomes oxidized in the process, e.g., ferrous ion, sulfite compounds, potassium ferricyanide, etc. Applicant respectfully submits that the chemicals utilized as reflected by their CAS numbers belong to the family of oxidizing/reducing agents, and that this is the most appropriate term to use throughout the body of the specification and in the claims to encompass the specific family of chemicals that will produce the claimed result.

The Examiner is thanked for his cooperation in conducting the telephone interview.

Objection to the Specification

The Office Action objects to Applicant's Amendment dated December 27, 2007 as allegedly introducing new matter into the disclosure. In particular, the Office Action alleges that the original disclosure does not support the terms, "calcium hypochlorite,"

"sulfuric acid," "chlorine," and "d-limonene." Applicant respectfully submits that no new matter was introduced for at least the following reasons.

Applicant previously included CAS Numbers associated with the various tradenames originally presented in the specification. These CAS Numbers provide one of ordinary skill in the art with the ability to cross-reference numbers to obtain common chemical names -- including those objected to in the Office Action. In general and as background, Applicant notes that CAS Numbers are assigned by the Chemical Abstracts Service, a division of the American Chemical Society, to uniquely identify specific chemicals, compounds, polymers, biological sequences, mixtures, and alloys. CAS attempts to assign every chemical that has been described in the literature with such a unique number, with the intention of making database searches more convenient, as chemicals often have many names. As a result, almost all molecule databases today allow searching by CAS Number.

In view of the foregoing, Applicant respectfully submits that one of ordinary skill in the art would recognize from the CAS Numbers included in the specification the common names of the particular chemicals being referenced. Applicant therefore also respectfully submits that there was support for the above objected-to common chemical names in the original specification and that no new matter was added by the Amendment dated December 27, 2007. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1-2, 5-10, 12-16, and 18-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the invention. Without acquiescing to the propriety of the rejection, Applicant has amended the independent claims (i.e., claims 1 and 15) so as to obviate this rejection. Thus, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 2, 5-10, 12-16 and 18-20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vitalis et al. (U.S. Pat. 3,756,959) in view of Fullinwider et al. (U.S. Pat. 4,014,801). This rejection is respectfully traversed for at least the following reasons.

In order for a claim to be rejected under 35 U.S.C. § 103(a), *inter alia*, each and every limitation of that claim must be taught or suggested in a reference or in a combination of references. Vitalis and Fullinwider, alone and in combination, fail to teach or suggest each and every limitation of claims 1 and 15. For example, Vitalis and Fullinwider, alone and in combination, fail to teach or suggest that "the saleable product phase is one hundred percent of the oil molecules, and . . . the solid phase is free of one hundred percent of the oil molecules and compliant with international environmental

standards," as required by claims 1 and 15. Thus, Vitalis and Fullinwider, alone and in combination, fail to render obvious these claims.

At col. 5, lines 3-18, Vitalis states that after breakage of the emulsion, the solids "may be disposed of by dumping in a suitable lagoon or dump area," or that use may be made of "an exhausted oil or water well or be sufficiently concentrated." The solids are then to be sent to a furnace to be burned, wherein the "carbonaceous components are burned to carbon dioxide."

In marked contrast to this approach and the disadvantageous requirements resulting therefrom, the non-soluble solids drop off with the use of Applicant's claimed techniques. That is, "the saleable product phase is one hundred percent of the oil molecules, . . . and the solid phase is free of one hundred percent of the oil molecules and compliant with international environmental standards," as claimed in claims 1 and 15. As the instant specification points out, "The process achieves separation in clean phases and allows for the optimal removal of quality saleable products from the slops and may even achieve one hundred percent (100%) recovery in some applications." The "100%" refers to the "quality saleable products" removed from the slops.

As the saleable product and the solid phase are free of the oil molecules, they do not have to be dumped in a "lagoon or dump area" or an "exhausted oil or water well," or burned to release any residual carbonaceous material as carbon dioxide. Further, treatment of the effluent precipitates the rest of the soluble salts rendering the treated effluent environmentally compliant, also as claimed. Using Applicant's claimed

techniques, the solids can be recycled into the environment, and they are not a waste or an environmentally unsound material that needs disposal as are the solids of Vitalis.

Fullinwider fails to make up for these deficiencies with respect to Vitalis. As such, the alleged combination thereof fails to disclose each and every feature of claims 1 and 15. Thus, the alleged combination of Vitalis and Fillinwider fails to render obvious the invention of claims 1 and 15. Claims 2, 5-10, 12-14, 16 and 18-20 also are not rendered obvious, at least by virtue of their dependence from allowable claims 1 and 15.

Accordingly, Applicant respectfully requests that the Section 103 rejection be withdrawn.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

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